

House File 2493

S-5287

1 Amend House File 2493, as amended, passed, and reprinted by  
2 the House, as follows:

3 1. Page 12, line 29, after <department.> by inserting <Such  
4 moneys shall not be used for advertising expenditures prior  
5 to an election as prohibited pursuant to section 68A.405A, if  
6 enacted.>

7 2. Page 18, after line 12 by inserting:

8 <DIVISION \_\_\_\_

9 MISCELLANEOUS

10 Sec. \_\_\_\_\_. NEW SECTION. 68A.405A Advertising expenditures  
11 prior to elections prohibited.

12 1. For the purposes of this section:

13 a. "*Designated communication*" means a public advertisement  
14 or promotion delivered through a paid direct mailing, a paid  
15 radio communication, or a paid television communication funded  
16 in whole or in part with public moneys or moneys held in a  
17 private trust fund as defined by section 8.2, or a trust  
18 fund controlled by a political subdivision of the state, if  
19 such paid direct mailing, paid radio communication, or paid  
20 television communication bears the written name, likeness, or  
21 voice of a statewide elected official, a member of the general  
22 assembly, or a local official. "*Designated communication*" does  
23 not mean any of the following:

24 (1) A report, record, letter, memorandum, document,  
25 envelope, cover sheet, certificate, constituent correspondence,  
26 routine ministerial material, or ceremonial material bearing  
27 the name, official logo, or official letterhead of the office  
28 of a statewide elected official, a member of the general  
29 assembly, or local official, provided that such report,  
30 record, letter, memorandum, document, envelope, cover sheet,  
31 certificate, routine ministerial material, or ceremonial  
32 material is used or generated in the course of the statewide  
33 elected official's, member of the general assembly's, or local  
34 official's duties.

35 (2) A depiction of the great seal of the state of Iowa

1 through any medium when such depiction has been approved by the  
2 office of the governor.

3 (3) Official press releases or press advisories issued by  
4 the office of a statewide elected official, a member of the  
5 general assembly, or a local official in any form.

6 (4) A publication, literature, or other medium of  
7 communication designed to further the purposes of section  
8 29C.3.

9 (5) A payment made by the office of a statewide elected  
10 official, the general assembly, or a local official to the  
11 management of a fair in order to reserve a physical floor space  
12 at a fairground or grounds as defined by section 174.1 for use  
13 by the statewide elected official, the general assembly, or  
14 the local official for a booth or display at a fair event as  
15 defined in section 174.1.

16 *b. "Designated exhibit expenditure"* means a billboard,  
17 placard, banner, table skirt, sign, display, or other physical  
18 structure in excess of one hundred fifty square inches funded  
19 in whole or in part with public moneys or moneys held in a  
20 private trust fund as defined in section 8.2, or a trust fund  
21 controlled by a political subdivision of the state, and placed  
22 or displayed within or upon a defined physical booth space  
23 located at a fairground or grounds as defined in section 174.1  
24 bearing the written name, likeness, or voice of a statewide  
25 elected official, a member of the general assembly, or a local  
26 official. *"Designated exhibit expenditure"* does not mean any  
27 of the following:

28 (1) A report, record, letter, memorandum, document,  
29 envelope, cover sheet, certificate, constituent correspondence,  
30 routine ministerial material, or ceremonial material bearing  
31 the name, official logo, or official letterhead of the office  
32 of a statewide elected official, a member of the general  
33 assembly, or local official, provided that such report,  
34 record, letter, memorandum, document, envelope, cover sheet,  
35 certificate, routine ministerial material, or ceremonial

1 material is used or generated in the course of the statewide  
2 elected official's, member of the general assembly's, or local  
3 official's duties.

4 (2) A depiction of the great seal of the state of Iowa  
5 through any medium when such depiction has been approved by the  
6 office of the governor.

7 (3) Official press releases or press advisories issued by  
8 the office of a statewide elected official, a member of the  
9 general assembly, or a local official in any form.

10 (4) A publication, literature, or other medium of  
11 communication designed to further the purposes of section  
12 29C.3.

13 (5) A payment made by the office of a statewide elected  
14 official, the general assembly, or a local official to the  
15 management of a fair in order to reserve a physical floor space  
16 at a fairground or grounds as defined by section 174.1 for use  
17 by the statewide elected official, the general assembly, or  
18 the local official for a booth or display at a fair event as  
19 defined in section 174.1.

20 *c. "Local official"* means the same as defined in section  
21 68B.2.

22 *d. "Statewide elected official"* means the same as defined  
23 in section 68B.2.

24 2. A statewide elected official, a member of the general  
25 assembly, or a local official shall not make or authorize a  
26 designated communication or designated exhibit expenditure to  
27 be made within sixty days before a general election.

28 3. A statewide elected official, member of the general  
29 assembly, or local official who makes or authorizes a  
30 designated communication or designated exhibit expenditure to  
31 be made more than sixty days before a general election shall  
32 clearly affix to the designated communication or designated  
33 exhibit expenditure an attribution statement disclosing the  
34 source of the public moneys or moneys held in trust used to  
35 pay for the designated communication or designated exhibit

1 expenditure. An attribution statement is not required to be  
2 affixed to a designated communication or designated exhibit  
3 expenditure made using a medium substantially similar to those  
4 listed in section 68A.405, subsection 2.

5 4. An attribution statement required by subsection 3 shall  
6 be displayed or transmitted as follows:

7 a. For a designated communication in the form of a paid  
8 direct mailing, the attribution statement shall be printed on  
9 the paid direct mailing and shall include the words "paid for  
10 by" followed by the exact source of the public moneys or moneys  
11 held in trust so used to pay for the designated communication  
12 in question.

13 b. For a designated communication in the form of a paid  
14 radio communication, the attribution statement shall be stated  
15 clearly and in an understandable manner easily ascertainable by  
16 the listener of such paid radio communication and shall include  
17 the words "paid for by" followed by the exact source of the  
18 public moneys or moneys held in trust so used to pay for the  
19 designated communication.

20 c. For a designated communication in the form of a paid  
21 television communication, the attribution statement shall  
22 include the words "paid for by" followed by the exact source  
23 of the public moneys or moneys held in trust so used to pay for  
24 the designated communication. Such attribution statement shall  
25 be displayed on the screen in a clearly readable manner for at  
26 least four seconds.

27 d. For a designated exhibit expenditure requiring an  
28 attribution statement, the attribution statement shall be  
29 printed on the billboard, placard, banner, table skirt,  
30 sign, display, or other physical structure and shall include  
31 the words "paid for by" followed by the exact source of the  
32 public moneys or moneys held in trust so used to pay for the  
33 designated exhibit expenditure.

34 5. A person who willfully violates this section shall be  
35 subject to a civil penalty of an amount up to the amount of

1 moneys withdrawn from a public account, private trust fund  
2 as defined in section 8.2, or trust fund controlled by a  
3 political subdivision of the state used to fund the designated  
4 communication or designated exhibit expenditure found to be in  
5 violation of this section by the board. Such penalty shall be  
6 determined and assessed by the board and paid into the account  
7 from which such moneys were withdrawn. Additional criminal or  
8 civil penalties available under section 68A.701 or established  
9 by the board pursuant to section 68B.32A may also be determined  
10 and assessed by the board for violations of this section.

11 6. This section shall not apply to any physically printed or  
12 electronically printed, published, or disseminated materials or  
13 literature generated by a statewide elected official, member of  
14 the general assembly, or local official prior to the effective  
15 date of this division of this Act.>

16 3. Title page, line 6, after <atters,> by inserting <and  
17 relating to the expenditure of public funds, and>

18 4. By renumbering as necessary.

---

WILLIAM A. DOTZLER, JR.